

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: Capri Motors

Case Number: PSR2002-00008

Parcel Number(s): Tax lot 65 (158639-000) located in the SW ¼ of Section 11, Township 2 North, Range 2 East of the Willamette Meridian.

Request: To correct previous site plan violations and bring site into compliance with current stormwater standards.

Applicant: Bob Blakemore
JBAK Consultants
3719 NE 54th Avenue
Vancouver, WA 98661

Property Owner: Brandon Dunnigan
13803 NE Fourth Plain Road
Vancouver, WA 98682

Location: 13803 NE Fourth Plain Road

Area: .82-acre

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** _____

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Mitch Kneipp	4178	mitch.kneipp@clark.wa.gov
Engineer:	Ali Safayi	4102	ali.safayi@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov

Comp Plan Designation: GC (General Commercial)

Zoning: CH (Highway Commercial)

Applicable Laws:

Clark County Code Chapters: 12.05A (Transportation Standards), 12.41 (Concurrency), 13.29 (Stormwater and Erosion Control), 13.70 (Critical Aquifer Recharge Area); 18.313 (Commercial Districts), 18.402A (Site Plan Review), 18.600 (Procedures).

Neighborhood Association/Contact:

Heritage Neighborhood Association
Dawn Clemons, President
7817 NE 156 Place
Vancouver, WA 98682
Dclemons@attbi.com

Time Limits:

The application was determined to be fully complete on May 30, 2002. The applicant was asked to submit additional information and thereby, extended the deadline by days. Therefore, the County Code requirement for issuing a decision within 78 days lapses on 2002. The State requirement for issuing a decision within 120 calendar days, lapses on 2002.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on January 4, 2001. The pre-application was determined not contingently vested.

The fully complete application was submitted on May 16, 2002 and determined to be fully complete on May 30, 2002. Given these facts the application is vested on May 16, 2002.

There are no disputes regarding vesting.

Public Notice:

Notice of application was mailed to the applicant, Heritage Neighborhood Association and property owners within 300 feet of the site on June 17, 2002.

Public Comments:

None

Project Overview

The subject site and existing improvements (with the exception of the garage and carport) received site plan approval in 1988; however, final site plan approval was not obtained. Since 1988 a garage and carport have been added and other conditions of the original approval have not yet been satisfied. The applicant is applying for site plan approval to bring the site into compliance with current development standards including stormwater compliance. This development review is addressing all existing structures and improvements on the site.

Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff 's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

CRITICAL AREAS:

Finding 1

The site is within a Category 2 Critical Aquifer Recharge Area (CARA). A CARA permit will be required prior to final site plan (See Stormwater Finding 3 and **Condition ?**).

TRANSPORTATION CONCURRENCY:

No comments

TRANSPORTATION:

Finding 1 – Circulation Plan

NE 4th Plain Blvd. (SR-500), a state route abutting the proposed development on the north, provides for east-west circulation in the area. NE 137th Avenue, a minor arterial road abutting the property on the west, is a primary north-south cross circulation road in the vicinity of the proposed site.

Additional circulation road through this site is not feasible and the existing roads provide adequate cross circulation in compliance with Section CCC 12.05A.110.

Finding 2 – Roads

NE 4th Plain Blvd. (SR-500), abutting the property on the north is a state route. The existing road is improved with roadway, curb & gutter, and sidewalk along the property. The applicant shall coordinate with the Washington State Department of Transportation (WSDOT) for any requirements for the frontage improvements (See Condition #1).

Finding 3 – Access

This development is accessed from NE 4th Blvd. via an existing driveway approximately 30 feet wide. The applicant shall contact Washington State Department of Transportation (WSDOT) for any requirements for the driveway approach (See Conditions #1).

Finding 4 – Sight Distance

The corner sight distance shall be provided in accordance with the provisions of Section 2.05A.250. The corner sight distances shall remain unobstructed after completion of the project.

Finding 5 – Pedestrian Circulation

The development plans show existing sidewalk along the property frontage on NE 4th Plain Blvd. Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with Section CCC 12.05A.400. The proposed pedestrian circulation is in compliance with the CCC 12.05A.

Conclusion:

Based upon the findings, development site characteristics, the proposed transportation plan, and the requirements of the County's transportation standards, staff concludes that the proposed preliminary development plan, subject to Condition #1, is feasible.

STORMWATER:

Finding 1 – Applicability:

Stormwater and Erosion Control Ordinance CCC 13.29, adopted July 28, 2000, apply to development activities that result in 2,000 square feet or more of new impervious area within the urban area and all land disturbing activities, except those exempted in Section 13.29.210.

The project will create more than 2000 square feet of new impervious surface and it is a land disturbing activity not exempted in section 13.29.210. Therefore, this development shall comply with the CCC 13.29, Stormwater and Erosion Control Ordinance.

Finding 2 – Stormwater Proposal

The applicant proposes to collect and pipe the stormwater runoff from this site to an oil/water separator and then convey the water to the proposed biofiltration swales

before infiltration within the stormwater infiltration system. The facilities are to be privately owned and maintained.

The preliminary stormwater report indicates that water quality will be provided to treat 70% of the 2-year storm through a 100 LF of biofiltration swale to be constructed along the southern boundary of the site. The proposed stormwater quality control shall meet the minimum requirements in compliance with CCC13.29.305.

Stormwater quantity control will be achieved by the proposed infiltration systems. The preliminary stormwater report indicates that the drainage system is designed to convey the runoff from the site to a spill control manhole, then to the proposed water quality swale, and then conveyed to an infiltration system consisting of perforated pipe infiltration trench located to the south of the site and the existing drywell. The roof drains will be directly connected to the infiltration system. The report indicates that the proposed stormwater system is designed to infiltrate the entire runoff volume due to the 100-year, 24-hour design storm. The proposed stormwater quantity control shall meet the minimum requirements in compliance with CCC13.29.310.

Due to the possibility of oil leaks as a result of proposed use within this site, infiltration of stormwater runoff may pose serious impacts to the groundwater. Therefore, in accordance with Section CCC 13.29.305(G), the applicant shall address this issue at the time of final site plan application. If the result of the required analysis determine that infiltration is feasible, then conditions #3 and #4 are applicable (See Condition 2).

Finding 3 – Site Conditions and Stormwater Issues

The 0.82-acre development area contains several buildings, graveled parking lot, a paved driveway, and some landscaping.

The preliminary stormwater report indicates that the developed site will contain 0.63 acre of impervious areas. The pervious areas are estimated to be 0.11 acres.

USDA, SCS mapping shows the site to be underlain by 100% Sifton Gravelly Loam soil (SvA) classified by AASHTO as A-1 or A-2 soils. Stormwater and Erosion Control Ordinance, CCC 13.29, lists these soils as suitable for infiltration. The applicant has submitted a geo-technical report that includes a soil infiltration investigation in one location. Test pit TP-1 showed a soil infiltration rate of 110 inches per hour at the depth of 48 inches and a rate of 120 inches per hour at the depth of 60 inches. According to the report, an infiltration rate of 50 inches per hour was used to design the stormwater facility for this development.

The geo-technical investigation was not performed by a geo-technical engineer as required in accordance with CCC13.29.310(C)(1). Prior to final site plan approval, the applicant shall submit an infiltration investigation report that includes field testing and laboratory testing information prepared by a geo-technical engineer (See Condition 3).

In order to ensure that the proposed stormwater infiltration system will function as designed, the infiltration rate used in the preliminary stormwater analysis shall be verified during the construction of the stormwater facilities (See Condition 4).

Based on the County GIS, this property is within the critical aquifer recharge area (CARA), Category II. In accordance with CCC13.70.320, the proposed activities within this site are allowed with a CARA permit. The applicant shall obtain a CARA permit in compliance with Section CCC 13.70 (See Condition 5).

In accordance with CCC 13.29 Section 13.29.305 (F)(1)(g) and (j), the proposed development is required to install API or CSP type oil/water separators to ensure that the potential leaks are prevented from contaminating the groundwater. Oil/water separators are functional within paved areas where contaminated stormwater runoff can be directed to the separators prior to bio-filtration and discharge. Therefore, the existing graveled parking lot shall be paved in order to prevent infiltration of contaminants into the soil and groundwater (See Condition 6).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in 13.29.200. This project is subject to the erosion control ordinance.

Conclusion:

Based upon the development site characteristics, the proposed stormwater plan and the requirements of the County's stormwater ordinance, staff concludes that the proposed preliminary stormwater plan, subject to conditions #2 through #6, is feasible.

FIRE PROTECTION:

Finding 1

Fire flow in the amount of 1750 gallons per minute supplied for 2 hours duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow based on 3780 sq ft Type V-N construction. The City of Vancouver Request for Utility services dated 4/19/2002 states that it is estimated that at least 2500 gpm fire flow is available from fire hydrants in the proposed project area.

Finding 2

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. 2 fire hydrants required meeting spacing above.

Finding 3

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection.

Finding 4

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact fire district #5 a 696-8166 to arrange for location approval.

Finding 5

Provide and maintain a six-foot clear space completely around every fire hydrant.

Finding 6

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Finding 7

Other Requirements: The building is shown 2 feet from west property line. The Uniform Building Code has requirements for exterior wall and opening protection. See Table 5-A in the 1997 Uniform Building Code.

HEALTH DISTRICT:

Finding 1 (See condition #)

Finding 2 (See condition #)

IMPACT FEES:

The proposed use will produce impacts on traffic, and will be subject to Traffic (TIF) impact fees. The site is within the Evergreen Transportation Subarea. The total impact fee due at time of building permit shall be \$7,065.92. If a building permit application is made more than three years following the date of preliminary site plan approval, the impact fees will be recalculated according to the then current ordinance rate (See Condition B-1).

SEPA DETERMINATION and DECISION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on _____, 2002 is hereby final.

Based upon the proposed plan (identified as Exhibit), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES/DENIES** this request, subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat/Final Site Plan approval:

(Insert conditions in the following order under A, B, C, D and E below: Land Use, Critical Areas, Transportation Concurrency, Transportation, Stormwater, Fire Marshal, Health District and Impact Fees)

A-1 (See Land Use/Critical Areas/etc. Finding #)

A-2 (See Land Use/Critical Areas/etc. Finding #)

A-3 (See Land Use/Critical Areas/etc. Finding #), etc.

B. Conditions that must be met prior to issuance of Building Permits

B-1 Pay traffic impact fees in the amount of \$7,065.92 (See Impact Fees Finding 1).

B-2 (See Land Use/Critical Areas/etc. Finding #)

B-3 (See Land Use/Critical Areas/etc. Finding #), etc.

C. Conditions that must be met prior to issuance of Occupancy Permits

C-1 (See Land Use/Critical Areas/etc. Finding #)

C-2 (See Land Use/Critical Areas/etc. Finding #)

C-3 (See Land Use/Critical Areas/etc. Finding #), etc.

D. Notes Required on Final Plat

(Delete entire section if not a land division)

The following notes shall be placed on the final plat:

D-1 Archaeological (all plats):

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Land Near Bonneville Power Administration Power Lines :

"Studies have been conducted regarding potential health effects from long-term exposure to electric and magnetic fields adjacent to or near high current electrical

power lines. These studies have not been conclusive and the scientific issue is unresolved. There are presently no Washington State or Federal health standards pertaining to electro-magnetic field (EMF) exposures from power lines. For additional information about power line right of way and EMF, contact the Bonneville Power Administration."

D-3 Land Near Agricultural, Forest or Mineral Resource Lands:

"The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."

D-4 Mobile Homes:

"Mobile homes are permitted on all lots subject to the requirements of CCC 18.406.020(U)(4)." Or,
"Placement of Mobile Homes are prohibited."

D-6 Mobile Homes:

"Applicants for placement of mobile homes are required to meet all of the listed criteria found in CCC 18.406.020(U)(4) at the time of placement permit."

D-7 Impact Fees:

"In accordance with CCC 18.65, except for __ lots designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ _____ (_____ School District), \$ _____ (\$ _____ - Acquisition; \$ _____ - Development for Park District # _____), and \$ _____ (_____ TIFsub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-8 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted. Sidewalks are alternate Type 2 except along the frontage of (insert street name) which are alternate Type 1."

D-9 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also a sidewalk easement as necessary to comply with ADA slope requirements upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-10 Wetland Covenants:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 13.36) requires wetlands and wetland buffers to be maintained in a natural state. Refer to Conservation Covenant (Ref # [REDACTED]) recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."

D-11 Wetland Development Envelopes:

"No 'regulated activities' as defined in the Wetland Protection Ordinance (Clark County Code Chapter 13.36) shall occur outside of the development envelopes shown on the face of this plat without prior approval from the County Planning Director."

D-12 (Insert "Notes on Final Plat" from Engineering Review)

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

E-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

E-2 Site Plans and other land use approvals:

Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

E-3 Wetlands and Buffers:

If there are wetlands or wetland buffers on the site, the requirements of CCC Section 13.36.250 apply even if no impacts are proposed. These requirements include:

- A. Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence;
- B. Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- C. Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- D. Showing the wetland and buffer boundaries on the face of the Final Plat or Site Plan and including a note that refers to the Separately recorded conservation covenant.

E-4 (Insert "Standard Conditions" from Engineering Review)

- E. S/P1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;

Recording a conservation covenant with the County Auditor that runs with the

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, it appealed.

An **appeal** of any aspect of this decision, including the SEPA determination and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on (OAll to complete) _____, 2002. Therefore any appeal must be received in this office by 4:30 PM, (OAll to complete) _____, 2002.

APPEAL FILING DEADLINE

Date: (OAll to complete) _____, **2002**

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$918** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

Attachments:

- Copy of Proposed Preliminary Plan
- Copy of SEPA Checklist

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Department of Community Development
1408 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>